



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,862	01/26/2004	Hideyuki Seto	17400	9396

23389 7590 11/29/2005

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

BELL, ALLISON S

ART UNIT PAPER NUMBER

3737

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,862

Applicant(s)

SETO ET AL.

Examiner

Allison S. Bell

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/26/2004 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (5,409,483).

Campbell discloses an elongated inserting portion (13), a control/operating portion connected to the proximal end of the inserting portion (col 5, lines 14-18), and a grip portion (1022) wherein the operating portion has therein a plate frame and the plate frame has a notch portion to mount an image pickup unit (1015,1021). Campbell

Art Unit: 3737

discloses an image pickup unit (col 11, lines 14-17) with proximal end surfaces of image guiding fibers (col 3, lines 47-52), an image forming optical system (col 11, lines 14-17), and a device for photoelectrically converting the image and displaying it on a video screen, an optical image output portion, and an image pickup unit (col 11, lines 14-17). Campbell discloses the image pickup unit as being mounted substantially in parallel with the shape of the operating portion (Figure 19). Campbell discloses image guiding fibers which can transmit the optical image incident from the distal end via the objective optical system to the proximal end (col 3, lines 47-52). Campbell discloses the optical axis of the optical image outputted to the image pickup unit from the optical image output portion is deviated from the central axis of a portion at which the image guiding fibers are extended in the grip portion (col 4, lines 45-56). Campbell discloses adjusting and fixing means that can adjust the bending amount of the image guiding fibers and fix the image pickup unit (col 3, lines 52-57).

Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yarush (6,432,046).

Yarush discloses long probe adapter/inserting portion (30, 32), operating portion that is mounted to the proximal end of the inserting portion and includes a grip portion (200) wherein the operating portion has therein a plate frame (Figure 9, housing for electric components) and the plate frame has a notch portion (cutout region in piece 206, Figure 9) to mount an image pickup unit. Yarush discloses image guiding fibers (112), an image forming optical system, and an image pickup device (36) so that the

Art Unit: 3737

image transmitted to the proximal end surface of the image guiding fibers are formed on the image pickup device. Yarush discloses the image pickup unit as being mounted substantially in parallel with the shape of the operating portion in the longitudinal direction thereof (Figure 3). Yarush discloses a holding unit which holds the image pickup device and an optical system holding portion which holds the image forming optical system (200), a waterproof fitting portion which fits the optical system holding portion and the image pickup device holding portion (col 23, line 66 – col 24, line 8). Yarush discloses an electrical device outputting predetermined signals and an internal structure mounted in the operating portion which is inserted in the grip portion (200) and an electric device mounting means which is mounted to the internal structure and mounts the electric device to the notch portion (Figure 9).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allison S. Bell whose telephone number is 571-272-2768. The examiner can normally be reached on Monday - Friday, 8.30 am - 4.30 pm.

Art Unit: 3737

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASB

Brian L. Casler
Brian L. Casler
SPE Art Unit 3737